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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,706	01/09/2004	Young-Min Shin	8021-168 (SS-17883-US)	6305
22150 7590 08/02/2007 F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER FLORES, LEON	
			ART UNIT 2611	PAPER NUMBER
			MAIL DATE 08/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,706

Applicant(s)

SHIN, YOUNG-MIN

Examiner

Leon Flores

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/25/2007 have been fully considered but they are not persuasive.

Response to Remarks

Applicant asserts that, *"as a preliminary matter, the Examiner's inaccurate and/or incomplete citation to Applicant's Admitted Prior Art has led to a significant delay in the filing of this response. Said prior art was cited by the Examiner only as "applicant's prior art" directly after a discussion of Applicant's prior patent, and referenced "paragraph 21", where the 21st sequential paragraph of the Application as filed, which shows line numbers rather than paragraph numbers, fell squarely within the Summary of the Invention section rather than within the Background section. No other citation information was revealed until the undersigned contacted the Examiner at Applicant's request on April 10, 2007. At that time, the Examiner kindly indicated that he had intended to cite to the published version of the present application, namely U.S. Patent Application Publication No. 2004- 0109517. Such citation was omitted from the Office Action mailed on January 24, 2007. Therefore, Applicant respectfully requests that the 76 day delay caused by the Examiner's error be included in the Patent Term Adjustment of any resulting patent in accordance with 35 U.S.C. § 154(b)".*

The examiner respectfully disagrees. In the past, the examiner has written applicant' prior art to cite applicant's own admitted prior art disclosed in the background of invention. The examiner did not, at any point, cite a publication number, so it was

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assumed that the examiner was referring to the background of invention in the instant application, and not some other reference. Furthermore, the telephone conversation conducted on April 10, 2007 was initiated by the attorney because there was a disagreement between the applicant and the attorney. The applicant knew that the examiner was referring to the background of invention, but the attorney thought the examiner was referring to some other reference. In conclusion, this delay was caused, not because the examiner wrote down "applicant's prior art" as opposed to "applicant's admitted prior art", but because of the attorney misinterpretation.

Applicant further asserts that, *"Jarvis uses one of two required circuits to synchronize its timers depending on which of the two timers is ahead. In addition, the method of Jarvis' fails to 'input data that is synchronized with the input clock signal' and detect 'a delay between the output clock signal and the input clock signal', both as recited in Claim 1"*.

The examiner respectfully disagrees. The method of Jarvis discloses a method of maintaining synchronization between two processors by utilizing a mechanism called time-stamping, in which the time clock of the receiver and the transmitter of the data packet must be synchronized to the same time value. (See col. 2, lines 59-62) One skilled in the art would know that, in a packet network environment, data being received at the receiver must be synchronized with incoming clock signal. Furthermore, Jarvis discloses detecting a delay between the clock signal transmitted by master and the clock signal received by master. (See figs. 3-5)

Applicant further asserts that, *"the Examiner mis-interprets and/or mis-characterizes Applicant's Background section by stating, "These initial parameters are computed once synchronization is achieved". It is actually Applicant's Claim 1 that recites, inter alia, "wherein the circuit to detect clock delay..., detects a delay between the output clock signal and the input clock signal, and loads and unloads the input data in response to an initial parameter corresponding to the delay". AAPA neither teaches nor fairly suggests that these "initial parameters are computed once synchronization is achieved", much less setting an initial parameter corresponding to the delay between an output clock signal and an input clock signal as effectively claimed by Applicant. Similarly, each of Claims 3 and 12 recite comparable features'*

The examiner respectfully disagrees. The applicant does disclose in the instant applicant application (US Publication 2004/0109517) that, "In the clock forwarding method, initial parameters necessary for data loading and unloading must be determined". One skilled in the art would know that in clock forwarding system once synchronization is achieved these initial parameter are necessary for data loading and unloading.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

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1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-8 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,577,692 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other for the same reasons as set forth in the last office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jarvis (US Patent 5,918,040), and in view of applicant's prior art for the same reasons set forth in the last office action.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon Flores whose telephone number is 571-270-1201. The examiner can normally be reached on Mon-Fri 7-5pm Alternate Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Payne can be reached on 571-272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LF

July 20, 2007


DAVID C. PAYNE
SUPERVISORY PATENT EXAMINER